

### **III. REMARKS**

In the Office Action, all of the claims 1-10 were rejected under 35 U.S.C. 102 as being anticipated by Forslow (US 2003/0039237) for reasons set forth in the Action.

The following argument is presented to overcome the foregoing rejections, and to show the presence of allowable subject matter in the claims.

The present invention is related to a problem in communications systems where some packet-switched networks support transferring of messages, such as GPRS networks supporting transfer of SMS short messages, but some other packet-switched networks do not support transferring of such messages. In these situations a terminal does not know if the currently visited packet-switched network supports the transfer of such messages.

In accordance with the present invention, a selection and message transfer procedure has been invented. The procedure enables transmission of messages intended to be transmitted to a packet-switched network also in systems not supporting short message transmission via a packet-switched network. Additional claims 11 and 12 have been added to emphasize the SMS aspect of the present invention. The importance of the SMS is discussed in the first few pages of the present specification.

The present claims are distinguishable from the cited art in view of the following argument.

Forslow discloses a method for selecting a bearer service in a mobile telecommunications system. An application requests one or

more quality of service (QoS) parameters or an application flow. On the basis of the requested QoS for the application flow, either a circuit-switched or a packet-switched bearer service is selected to carry that specific application flow. Figure 8 of Forslow illustrates the decision process for selecting the bearer. After the bearer selection, i.e. after the GSM or the GPRS service has been selected, the QoS parameters are mapped to the underlying circuit-switched or packet-switched service.

There are differences between Forslow and the present independent claims 1 and 7. As regards the checking step for checking if the mobile station is attached to a packet-switched (second) network, the Examiner refers to various portions of Forslow for selecting a packet-switched bearer. This bearer selection cannot be considered to anticipate the present checking step as currently claimed. Such specific checking step is not disclosed in other portions of Forslow either.

Upon review of the passages cited by the examiner in Forslow, it is apparent that there is no discussion of detecting whether a mobile station is attached to a network, but only a discussion of various aspects of quality of service that may be of interest in the transmission of a signal via the network.

Further, since the checking step is not disclosed in Forslow, the presently claimed step of transmitting said at least one message to the second network in response to the mobile station being attached to the second network also is not disclosed. The selection for sending a message to the packet-switched network is done in Forslow by applying a complex decision process on the basis of various aspects of requested quality of service. This is much different from the feature of the present invention

wherein there is a transmitting of a message to the packet-switched network if there had been a detection of an attachment of the mobile station to the network.

A still further point is that Forslow does not disclose the claimed feature of the present invention that calls for transmission of the message to the circuit-switched network in response to a failure to transmit the message via the packet-switched network. There is no teaching of the present invention in the Examiner's citation of Forslow's Figure 8 which teaches selection of the initial bearer for transferring a message. Delay is disclosed in Forslow merely as a QoS property of the application flow, i.e. indicating the properties of the application, and is not used for describing a delay indicating a failure in transmission of an actual message.

Hence, Forslow only describes that initially the packet-switched service is selected if the application flow can tolerate a large amount of delay (paragraph 0070). In paragraphs 0082 and 0083 a specific situation for a class B mobile station is described. A mapper in the GGSN may decide to forward a received data over an existing circuits-switched bearer for a class B mobile station having an active call. However, this feature does not anticipate the last feature of the present independent claims clearly targeted to an action done in response to failure to transmit the message via the packet-switched network.

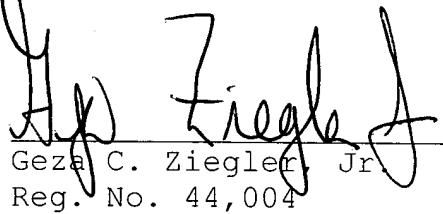
It is noted also that the disclosure of Forslow is in general limited to selecting an initial service type and it is not possible to achieve the advantages obtained by the present invention.

With respect to the rejections under 35 U.S.C. 102, the foregoing argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections, and to show the presence of allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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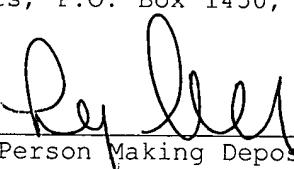
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